

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

TIMOTHY MATTHEWS,

Plaintiff,

v.

MOUNTAIRE FARMS  
OF DELAWARE,

Defendant.

---

\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*

Civil Action No. 06-330

**ANSWER**

The Defendant, Mountaire Farms of Delaware, hereby files its Answer to the Complaint which was filed on October 3, 2006 and served upon the Defendant on October 19, 2006.

1. The Defendant admits the allegations contained in paragraphs one (1) through three (3) of the Complaint.

2. The Defendant denies the allegations contained in paragraphs four (4) through ten (10), inclusive, including the Attachment to paragraph nine (9).

**AFFIRMATIVE DEFENSES TO COMPLAINT**

Having fully answered the Complaint, the Defendant asserts the following defenses:

1. Plaintiff has failed to state any claim upon which relief may be granted.

2. Plaintiff's claims are barred to the extent that they are outside of the scope of the applicable statute of limitations.

3. Plaintiff's complaint, or portions thereof, is barred by estoppel, laches and failure to mitigate and waiver.

4. Any conduct by the Defendant toward Plaintiff has been based on legitimate, non-discriminatory reasons, and there is no basis for any claim against Defendant by Plaintiff.

5. None of the allegedly wrongful acts of which Plaintiff complains can be attributed to the Defendant for purposes of liability or punitive damages under principles of agency, respondeat superior, or any other legal theory.

6. The Defendant has at all times relevant to the Complaint made good faith efforts to comply with its obligations under Federal and State laws against discrimination, including maintaining and enforcing policies against race discrimination, or any other protected basis.

7. The Defendant affirmatively denies that Plaintiff was retaliated against because of his race, or any other protected basis.

8. The Defendant has at all times exercised reasonable care to prevent discrimination and retaliation and the Defendant has in place policies and practices that ensure that any discriminatory behavior will be promptly corrected if it occurs.

9. The Defendant's alleged conduct was not sufficiently severe or outrageous to warrant a claim for compensatory and punitive damages.

**Reservation of Rights**

The Defendant reserves the right to assert any and all additional affirmative defenses which may be determined during the course of discovery.

Respectfully submitted,

/s/ Roger D. Landon

Roger D. Landon (Del. Bar. No. 2460)  
Murphy, Spadaro & Landon  
1011 Centre Road, #210  
Wilmington, Delaware 19805  
Telephone: (302) 472-8100  
Facsimile: (302) 472-8135

/s/ Arthur M. Brewer

Arthur M. Brewer  
Admitted Pro Hac Vice  
Shawe & Rosenthal, LLP  
20 S. Charles Street, 11<sup>th</sup> Floor  
Baltimore, MD 21201  
Telephone: (410) 752-1040  
Facsimile: (410) 752-8861

*Attorneys for Defendant*

November 7, 2006

**CERTIFICATE OF SERVICE**

This is to certify that foregoing Answer to Complaint was served this 7<sup>th</sup> day of November, 2006, by First Class mail, postage prepaid, upon:

Timothy Matthews  
P. O. Box 1453  
Seaford, DE 19973

/s/ Roger D. Landon

Roger D. Landon